



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/046,451	01/14/2002	John J. Leonard	1867 P 025



Micheal D. Lake  
 Wallenstein & Wagner, Ltd.  
 311 South Wacker Drive, 53rd Floor  
 Chicago, IL 60606-6630

CONFIRMATION NO. 4714

## FORMALITIES LETTER



OC00000007425120\*

Date Mailed: 02/05/2002

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 23 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

**TO DOCKETING**

04/17/2002 SIEHBOEF-00000004-10046451

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130.00-00

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*A copy of this notice **MUST** be returned with the reply.*

*[Signature]*  
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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attorney Docket No. 1867 P 025

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Continuation Patent Application Of: ) Prior Application:  
John J. Leonard, Steven Robert Ehardt, Newell Esmond, ) Application No. 09/603,560  
Kurt Aaron Kreutzmann, Timothy J. Hamilton, and ) Filed: June 23, 2000  
John Konieczka ) Art Unit: 2856  
Mailed: January 14, 2002 ) Examiner: C. Garber  
For: Mobile Pneumatic Apparatus & Method For ) )  
Testing a Container Seal ) Present Application:  
 ) Examiner: Not Assigned  
 ) Art Unit: Not Assigned

**CONTINUATION PATENT APPLICATION**  
**TRANSMITTAL FILING UNDER 37 C.F.R. §1.53(b)**

Box Patent Application  
Fee  
Commissioner For Patents  
Washington, DC 20231

Dear Sir:

This is a request for filing a continuation application of co-pending prior Application No. 09/603,560, under 37 C.F.R. § 1.53(b). The parent application was filed on June 23, 2000 by Applicants John J. Leonard, Steven Robert Ehardt, Newell Esmond, Kurt Aaron Kreutzmann, Timothy J. Hamilton, and John Konieczka, and is similarly entitled "Mobile Pneumatic Apparatus & Method For Testing a Container Seal."

**Benefit of Prior U.S. Applications**

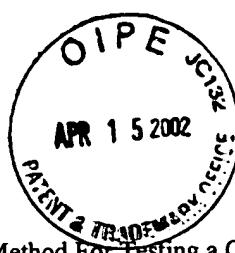
The attached continuation application being transmitted claims the benefit of a prior U.S. application, as indicated below.

**Papers Enclosed**

In accordance with 37 C.F.R. § 1.63(d), the specification filed herewith contains no new matter. Accordingly, copies of the executed Declarations and Powers of Attorney from the parent application (U.S. Application No. 09/603,560) are submitted herewith.

The papers attached are as follows:

18 pages of Specification;  
6 pages of Claims;  
1 page of Abstract;  
9 sheets of informal Drawings containing Figures 1-4, 5A, 5B, 6-8, 9A, 9B, 10-16.



Attorney Docket No. 1867 P 025

Title: "Mobile Pneumatic Apparatus & Method For Testing a Container Seal"

Inventors: John J. Leonard, Steven Robert Ehardt, Newell Esmond, Kurt Aaron Kreutzmann, Timothy J. Hamilton, and John Konieczka,

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### **Additional Papers Enclosed**

A Response to July 12, 2001 Office Action in the parent Application indicating on page 5 that a continuation application would be filed for the claims cancelled in the parent Application.

### **Incorporation by Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

### **Inventorship Statement**

The inventorship for all the claims in this application is the same as that for the parent application.

### **Fee Calculation (37 C.F.R. § 1.16)**

The filing fee has been calculated as shown below:

For:	No. Filed	No. Extra
Basic Fee		
Total Claims	17 - 20 =	0
Indep. Claims	4 - 3 =	1
<input type="checkbox"/> First Presentation of Multiple Dependent Claim		

Small Entity		Other Than A Small Entity	
Rate	Fee	Rate	Fee
	\$370		\$740
x 9 =	\$0	x 18 =	\$0
x 42 =	\$0	x 84 =	\$84
x 140 =	\$0	x 280 =	\$0
Total	\$0	Total	\$824

X Check No. 10917 in the amount of \$824.00 is attached. The Commissioner is hereby authorized to credit any overpayment or charge any deficit to Deposit Account No. 23-0280.

Attorney Docket No. 1867 P 025

Title: "Mobile Pneumatic Apparatus & Method For Testing a Container Seal"

Inventors: John J. Leonard, Steven Robert Ehardt, Newell Esmond, Kurt Aaron Kreutzmann,  
Timothy J. Hamilton, and John Konieczka,

Page 3

**Relate Back—35 U.S.C. 120**

Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

Please address all future communications to:

Micheal D. Lake  
Wallenstein & Wagner, Ltd.  
311 South Wacker Drive, 53rd Floor  
Chicago, Illinois 60606-6630  
312.554.3300

Respectfully submitted,

Date: 1/14/02

By: Peter M. Siavelis  
Peter M. Siavelis, Reg. No. P51,136  
Wallenstein & Wagner, Ltd.  
311 South Wacker Drive, 53rd Floor  
Chicago, Illinois 60606-6630  
312.554.3300  
Attorneys for Applicant

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

Express Mail Label No. EL 831510779 US

Date of Deposit: January 14, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, postage prepaid, under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Box Patent Application, Fee, Commissioner for Patents, Washington, D.C. 20231.

Kathleen Rundquist  
Kathleen Rundquist/138479.1



In Re Continuation Application Of:

John J. Leonard, Steven Robert Ehardt, Newell Esmond, Kurt Aaron Kreutzmann, Timothy J. Hamilton, and John Konieczka

For:

Mobile Pneumatic Apparatus & Method For Testing a Container Seal.

W&W File No.

1867 P 025

Enclosures:

Post Card.

Check No. 10917 for \$824.00.

Patent Application Transmittal (in duplicate).

25 Sheets of Specification, Claims and Abstract (17 Claims/4 indep).

9 sheets of informal Drawings containing Figures 1-4, 5A, 5B, 6-8, 9A, 9B, 10-16.

Copy of Declaration and Power of Attorney from parent Application (5 Declarations).

Copy of Amendment filed in parent application in Response to July 12, 2001 Office Action.

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CERTIFICATION UNDER 37 C.F.R. § 1.10

Express Mail Label No. *EL 831510779 US*

Date of Deposit: January 14, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, postage prepaid, under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Box Patent Application, Fee, Commissioner for Patents, Washington, D.C. 20231.

*Kathleen Rundquist*  
Kathleen Rundquist/138479.1

*EL 831510779 US*

Rmr2



Mailed: January 14, 2002  
 Express Mail Label No. EL 831510779 US  
 Attorney Docket No. 1867 P 025  
 Inventors: John J. Leonard, Steven Robert Ehardt, Newell Esmond, Kurt Aaron Kreutzmann, Timothy J. Hamilton, and John Konieczka, Application No. Title: Mobile Pneumatic Apparatus & Method For Testing a Container Seal U.S. Continuation Utility App. from Application No. 09/603,560 filed June 23, 2000 (W&W file No. 1867 P 014).

Due Date:

PMS/kmr/138536.1

(Quaker Oats)

Filing Date:

# TO DOCKETING

Enclosures:

1. Check No. 10917 in the sum of \$824 as filing fee for 17 claims/4 indep.
2. Continuation Patent Application Transmittal under 37 C.F.R. § 1.53(b), in duplicate.
3. Copy of Response to July 12, 2001 Office Action as filed Dec. 12, 2001 in parent application.
4. Copy of specification, claims and abstract as filed in parent application.
5. Copies of five Declarations/Powers of Attorney as filed in parent application.

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